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ATTORNEY DOCKET NO.: 0492611-0512

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bear, et al.  
Serial No: 10/655,872  
Filing Date: September 5, 2003  
Title: Lentiviral vectors, related reagents, and methods of use thereof

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 23313-1450

Sir:

**PETITION**

Applicants are in receipt of the Notice of Omitted Item(s) mailed February 17, 2005, in the above-referenced case. It is Applicants' position that Figures 1-5 were not omitted when the application was filed and were in fact received by the United States Patent and Trademark Office (PTO) on or before September 15, 2003. In support of this position, Applicants submit the present petition and authorize the Commissioner to charge the \$400.00 fee to our Deposit Account No. 03-1721.

As proof that Figures 1-5 were submitted to and received by the PTO, Applicants enclose the following:

1. A true copy of the 26 sheets of drawings present in the application as filed.
2. A true copy of a Utility Application Transmittal indicating that the application was submitted with 26 sheets of drawings; and
3. A true copy of a return postcard, enclosed with the application as filed and stamped by the PTO mail room, indicating that 26 pages of drawings were received by the PTO on September 15, 2003.

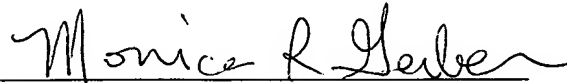
03/08/2005 DEMMANU1 00000005 031721 10655872

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In light of the enclosed documents, Applicants respectfully submit that the Notice of Omitted Item(s) was in error, necessitating submission of this Petition, and requests that the \$400.00 fee be refunded.

Please charge any additional fees associated with this matter, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,



Monica R. Gerber

Reg. No. 46,724

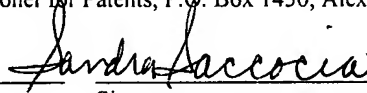
CHOATE, HALL & STEWART  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000  
Dated: March 4, 2005  
3857528\_1.DOC

**Certificate of Mailing**

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

March 4, 2005

Date



Signature

Sandra Saccocia

Typed or Printed Name of person signing certificate



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Alexandria, VA 22313-1450

Sir:

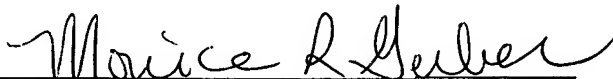
**TRANSMITTAL**

In response to the Notice of Omitted Items mailed by the U.S. Patent and Trademark Office on February 17, 2005, enclosed herewith please find the following:

1. Petition (including a true copy of the 26 sheets of drawings, a true copy of the Utility Application Transmittal and a true copy of the return postcard) (34 pages);
2. Transmittal (1 page);
3. Return Postcard

Additionally, please charge any further fees associated with this filing or apply any credits to our Deposit Account No. 03-1721.

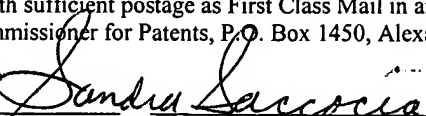
Respectfully submitted,

  
Monica R. Gerber, M.D., Ph.D.  
Reg. No. 46,724

Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000

Dated: March 4, 2005

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Certificate of Mailing	
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3-4-05	
Date	Signature
Sandra Saccoccia	
Typed or Printed Name of person signing certificate	



# CHOATE, HALL & STEWART

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**FILE COPY**

MAIL STOP: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450

**Express Mail No.: EL 992620974 US**  
**Attorney Docket No.: 0492611-0512 (MIT9984)**  
**DATE FILED: SEPTEMBER 5, 2003**

## UTILITY PATENT APPLICATION TRANSMITTAL

(FOR NEW NONPROVISIONAL APPLICATIONS UNDER 37 C.F.R. § 1.53(B))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

### Inventor(s):

Given Name (first and middle)	Family Name or Surname	Residence (City and State or Foreign Country)
James E.	Bear	10 Rose Brook Drive Durham, NC 27713
Christopher P.	Dillon	23 Princeton Street #2 Somerville, MA 02144
Douglas A.	Rubinson	140 Magazine Street, Apt. 4a Cambridge, MA 02139
Luk	Van Parijs	Scituate, MA

## TITLE OF THE INVENTION: LENTIVIRAL VECTORS, RELATED REAGENTS, AND METHODS OF USE THEREOF

### A) APPLICATION ELEMENTS:

- 1)      **Fee Transmittal Form** (original and duplicate submitted for fee processing)
- 2)  X  **Applicant Claims Small Entity Status** (see 37 CFR §1.27)
  - a)                      **Statement Verifying Small Entity Status**

EXPRESS MAIL NO.: EL 992620974 US  
DATE FILED: SEPTEMBER 5, 2003  
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0492611-0512  
MIT 9984

3) ☒ **Specification**

TOTAL PAGES: 138

- Descriptive Title of the Invention
- Related Applications
- Background of the Invention
- Brief Description of the Drawings
- Description of Certain Preferred Embodiments of the Invention
- Claim(s) (15 pages)
- Abstract of the Invention (1 page)

4) ☒ **Drawing(s)** (35 U.S.C. § 113)

TOTAL SHEETS: 26

- a) ☐ Formal Drawings (if checked)

5) ☐ **Oath or Declaration**

TOTAL PAGES:           

- a) ☐ Newly Executed (copy)
- b) ☐ Copy from a prior application (37 C.F.R. § 1.63(d))-for  
continuation/divisional application
- c) ☐ Unexecuted

6) ☐ **Application Data Sheet.** See 37 CFR 1.76.

7) ☐ **CD-ROM or CD-R in duplicate, large table or Computer Program  
(Appendix)**

8) ☐ **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are  
necessary)

- a) ☐ Computer Readable Form (CRF)
- b) ☐ Specification Sequence Listing on:
- i) ☐ CD-ROM or CR-R; or
  - ii) ☐ Paper
- c) ☐ Statements verifying identity of above copies
- d) ☐ Amendment Introducing Sequence Listing

**B) ACCOMPANYING APPLICATION PARTS:**

9) ☐ **Assignment Papers**

10) ☐ **37 C.F.R. § 3.73(b) Statement**

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- 11)\_\_\_ **Power of Attorney**
- 12)\_\_\_ **English Translation Document** (if applicable)
- 13)\_\_\_ **Information Disclosure Statement (IDS)/PTO-1449**
- 14)\_\_\_ **Copies of IDS Citations**
- 15)X **Return Receipt Postcard (MPEP 503)** (specifically itemized)
- 16)\_\_\_ **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 17)\_\_\_ **OTHER:** (if applicable, specified below)

**C) FOR CONTINUING APPLICATIONS:**

\_\_\_ CONTINUATION                      \_\_\_ DIVISIONAL                      \_\_\_ CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO: \_\_\_\_\_

FILED: \_\_\_\_\_

EXAMINER: \_\_\_\_\_

GROUP/ART UNIT: \_\_\_\_\_

**FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY:** THE ENTIRE DISCLOSURE OF THE PRIOR APPLICATION, FROM WHICH AN OATH OR DECLARATION IS SUPPLIED AS DETAILED ABOVE, IS CONSIDERED A PART OF THE DISCLOSURE OF THE ACCOMPANYING CONTINUATION OR DIVISIONAL APPLICATION AND IS HEREBY INCORPORATED BY REFERENCE.

**D.) PRIORITY CLAIM(S):**

This application claims the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below:

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Application Number	Filing Date	Status
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PCT Applications designating the United States:

EXPRESS MAIL NO.: EL 992620974 US  
DATE FILED: SEPTEMBER 5, 2003  
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0492611-0512  
MIT 9984

Application Number	Filing Date	Status
This application claims the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:		
Provisional Application(s):		
60/408,558	September 6, 2002	Pending
60/414,195	September 27, 2002	Pending
60/428,039	November 21, 2002	Pending
Application Number	Filing Date	Status

E) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

- ☒ Applicant claims small entity status 37 CFR §1.27
- ☒ A check is enclosed to partially cover the filing fees.
- ☒ The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number 03-1721.

Basic Filing Fee (SMALL Entity) \$375.00

Additional Fees:

Total Number of Claims in excess of 20:  $(111 - 20) \times \$9$  \$819.00

Number of Independent Claims in excess of 3:  $(16 - 3) \times \$42$  \$546.00

Multiple Dependent Claims (\$140): \$140.00

**Total Filing Fee:** **\$1,880.00**

F) CORRESPONDENCE ADDRESS:



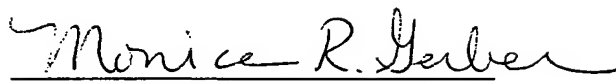
24280

☒ Customer Bar Code Label: PATENT TRADEMARK OFFICE

**X** Correspondence Address:

Monica R. Gerber, M.D., Ph.D.  
Choate, Hall & Stewart  
53 State Street  
Exchange Place  
Boston, MA 02109  
Telephone: (617) 248-5000  
Facsimile: (617) 248-4000

Respectfully Submitted,

  
Monica R. Gerber, M.D., Ph.D.  
Reg. No. 46,724

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Exchange Place  
Boston, MA 02109  
Telephone: (617) 248-5000  
Facsimile: (617) 248-4000

**Date: September 5, 2003**



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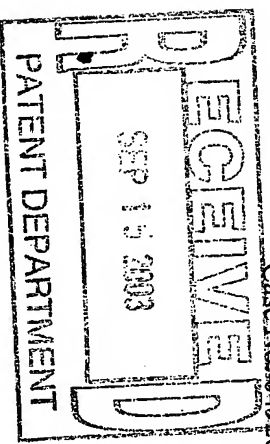
The Patent and Trademark Office stamping sets forth and receipt date (or both the receipt date and the Application Number) of a Utility patent application identified as follows:

Applicant: Bear, et al.  
Filed: September 5, 2003  
Title: Lentiviral Vectors, Related Reagents, and Methods of Use Thereof

- 1) Comprising: 138 pages of specification including 15 pages of claims and 1 page of abstract  
26 sheets of drawings  
2) Utility Application Transmittal (5 pages);  
3) Check in the amount of \$1,880.00; and  
4) Return Postcard

Attorney: MRG Case No. 0492611-0512 (MIT 9984)

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22154 U.S. PTO  
10/655872  
09/05/03

